

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RANDY K. BRENNER,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 09-01574
CONSOLIDATED RAIL CORP. and	:	
CSX TRANSPORTATION, INC.,	:	
	:	
Defendants.	:	

**ORDER**

AND NOW, this 18th day of April, 2011, upon consideration of Defendants' Motion for Summary Judgment (ECF No. 22), and all documents filed in support thereof and in opposition thereto, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. As to Plaintiff's claims based on the nature and size of ballast used for track stability, support, and drainage, Defendants' Motion is GRANTED and judgment is entered in favor of Defendants and against Plaintiff.
2. As to Plaintiff's remaining claims, Defendants' Motion is DENIED.

BY THE COURT:

s/J. Curtis Joyner  
J. CURTIS JOYNER, J.